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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,303	04/18/2000	Nick King	04860.P2439	1966

7590 03/10/2003

James C Scheller Jr
Blakely Sokoloff Taylor & Zafman LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER
CABECA, JOHN W

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/551,303	KING ET AL.	
	Examiner	Art Unit	
	Larry O Anderson	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4-6, 8, 10-13, 15, 16, 18, 19, 20, 22-24 and 26* is/are rejected.

7)☒ Claim(s) *3,7,9,14,17,21 and 25* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. Applicant's explanation for the lack of labels of Figure 4 are accepted and the objection of the drawing is hereby withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 4-5, 8, 10-13, 15, 16, 18, 19, 20, 22, 23, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,111,573 (McComb et al., hereinafter McComb).

3. Regarding claims 1, 10, and 19, McComb teaches retrieving a data value representing an appearance of an enclosure of a digital processing system (see column 12, lines 54-57; where McComb teaches retrieving the physical size of the display). McComb also teaches determining

an appearance of a display based upon the appearance of the enclosure (see column 5, lines 59-65; where the physical measurements are translated into the logical measurements that are used to create the display). With respect to claim 10, McComb teaches a processor, bus, and memory (see column 4, lines 44-48), as well as a display (see column 5, lines 1-10).

4. Regarding claims 2, 11, 16, and 20, McComb teaches the data value stored in non-volatile memory coupled to digital processing system (see column 12, lines 54-57, and column 4, lines 64-66).

5. Regarding claims 4, 12, and 22, McComb teaches determining whether a user defined set of display preferences has been stored in a digital processing system before determining the appearance of the display (see column 11, lines 10-19; where the process checks to see if there are user-defined preferences before determining the appearance of the display).

6. Regarding claims 5 and 23, McComb teaches determining whether said user defined set has been stored before retrieving the data value (see column 11, lines 10-19; where the process checks to see if there are user-defined preferences before determining the appearance of the display, which includes retrieving the data value).

7. Regarding claims 8, 15, 18, and 26, McComb teaches setting the appearance of a font, which can be used in a menu button (see column 6, line 63 through column 7, line 3; and column 8, lines 20-22).

8. Regarding claim 13, McComb teaches determining if a user defined set has been stored, and setting the appearance of the display based upon the user defined set (see column 11, lines 10-19; where the process checks to see if there are user-defined preferences before determining the appearance of the display, which includes retrieving the data value, and column 6, line 63

through column 7, line 3; where the user-defined sizing is obtained to determine the appearance of the display).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,111,573 (McComb et al., hereinafter McComb) in view of Microsoft Windows NT as shown by "Windows NT User Profiles" (Heywood). McComb teaches all the limitations of claims 6 and 24 (see rejections above), except for the user-defined display preferences not being previously stored and having default preferences being stored as user defined display preferences. Heywood teaches a copy of the default display preferences being stored as user-defined display preferences (see page 2, under heading "User Profile Database Structure", 3rd paragraph; and the second paragraph of page 1). It would have been obvious to one of ordinary skill in the art, having the teachings of McComb and Heywood before him at the time the invention was made, to modify the display system as taught by McComb to include providing a copy of the default display preferences being stored as user-defined display preferences, so that each user will have a profile with set display preferences as taught by Heywood (see page 2, under heading "User Profile Database Structure", 3rd paragraph; and the second paragraph of page 1).

Response to Amendment

1. Applicant's arguments filed 1/07/03 have been fully considered but they are not persuasive. The arguments fail to overcome the prior art as will be shown in the proceeding paragraphs.

2. In regards to applicant's argument that McComb does not teach retrieving a value representing an appearance of an enclosure and determining the display based upon that retrieved value, it is shown above that McComb (see column 5, lines 59-65) teaches the retrieval of a value for the conversion of logical to real measurement units for the display of his invention, which he then uses to determine the display. The size of the display is an appearance characteristic of the display, and thus as McComb uses his invention to determine the display of his invention, he is using a retrieved value representing its appearance.

3. With respect to applicant's argument of claim 16 that McComb does not teach a digital processing system with a data value representing an appearance of an enclosure that is retrieved upon the first use in order to set an appearance of the processing system, it is clearly shown above in the rejection of claims 4, 12, and 22 that McComb teaches these limitations in column 11, lines 10-19; where the his invention checks to see if there are user-defined preferences before determining the appearance of the display. The omission of the rejection for this limitation in claim 16, while a mistake, does not change the basis of the rejection and is logically related in scope to the claim in question.

Allowable Subject Matter

11. Claims 3, 7, 9, 14, 17, 21, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claims 3, 7, 9, 14, 17, 21, and 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or fairly suggest the combination of limitations that the applicant has claimed in claims 3, 7, 9, 14, 17, 21, and 24. The prior art fails to teach a manufacturer storing a data value corresponding to the appearance of an enclosure, a data value including a machine type and color, and determining if the user had defined a set of display preferences had not been

stored and then using the retrieved data value to store a user defined set. The invention with indicated features corresponding to what the inventor has claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry O Anderson whose telephone number is 703-305-7212. The examiner can normally be reached on M-F 7:20-3:50.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

loa
February 28, 2003

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100